

# EXHIBIT 13

# ANTIOCH POLICE

## LESS LETHAL 40 MM Launcher

Training and Qualification

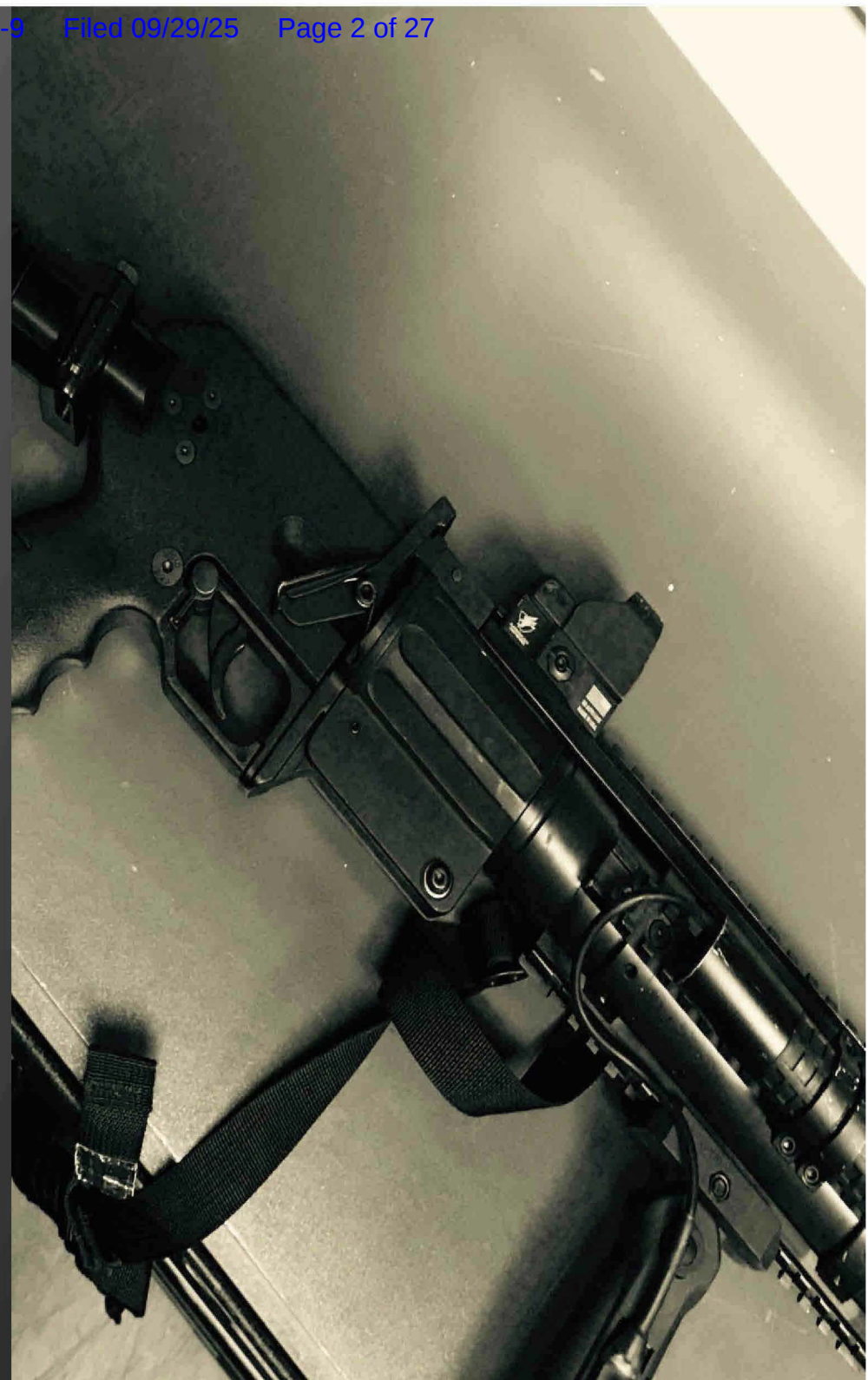
Prepared and Presented by:

Cpl. James Colley

Cpl. Josh Evans

Det. M. Summers

Det. T. Smith



US-ANT-000193

EX 013-001

# Course Outline

- Definitions of Lethal and Less lethal
- Penal Code defining Less Lethal
- APD Policies
- 40 MM application and use
- Penn Arms nomenclature
- Munitions
- Suggested target zones
- Announcements and documentation
- Videos/Discussion
- Test and Qualification

# Law Enforcement Use of Force

## ● **Police Officers (Operators) Must:**

- Use force which under the circumstances is within the law and Department policy as well as being objectively reasonable for the circumstances at hand.
- Have a clear understanding of their force options prior to and during encounters with hostile or potentially hostile subjects.

## ● **Definition of Lethal Force:**

- Force which when applied by law enforcement personnel is of such magnitude that it may cause death or serious bodily injury. It is initiated in response to a subject's life threatening actions against officers and/or others and is intended to stop those actions from continuing due to the extreme danger they pose.

## ● **Definition of Less Lethal Force:**

- A lawful and within policy application of force delivered with the intent of subduing a subject, render him or her non-threatening and/or gain compliance. It is accepted that the probability exists for bodily harm – or even death – to occur through the use of less lethal options. However, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions. Less Lethal force options are generally regarded as lower level in a force continuum than deadly force.



# Less Lethal Weapons & Ammunition: CA Penal Code 12601

- **PC 12601(a):**
- “Less lethal weapon,” means any device that is designed to or that has been converted to expel or propel less lethal ammunition by any action, mechanism or process for the purpose of incapacitating, immobilizing, or stunning a human being through the infliction of any less [than] lethal impairment of physical condition, function or senses including physical pain or discomfort. It is not necessary that a weapon leave any lasting or permanent incapacitation, discomfort, pain, or other injury or disability in order to qualify as a less lethal weapon.

# Less Lethal Weapons & Ammunition: CA Penal Code 12601

- **PC 12601 (c):**
- “Less lethal ammunition,” means any ammunition that (1) is designed to be used in any less lethal weapon or any other kind of weapon (including but not limited to firearms, pistols, revolvers, shotguns, rifles and spring, compressed air and compressed gas weapons) and (2) when used in the less lethal weapon or other weapon is designed to immobilize or incapacitate or stun a human being through the infliction of any less lethal impairment of physical condition, function or senses, including physical pain or discomfort.

# APD Policies

- ⦿ Policy 300 – APD Use of force
- ⦿ Policy 302 – Control Devices and Techniques
  - 302.9 – Kinetic Energy Projectile Guidelines
    - 302.9.1 – Deployment and use
    - 302.9.2 – Deployment considerations

# Less Lethal Applications

- Riot/Crowd Control;
- Armed Suspects;
- Mentally Challenged Subjects/ “Suicide by Cop;”
- Non-compliant subjects who pose reasonable threat;
- Tactical Operations and Diversionary purposes;
- Animal Control.



# Penn Arms

## Model: L140-4

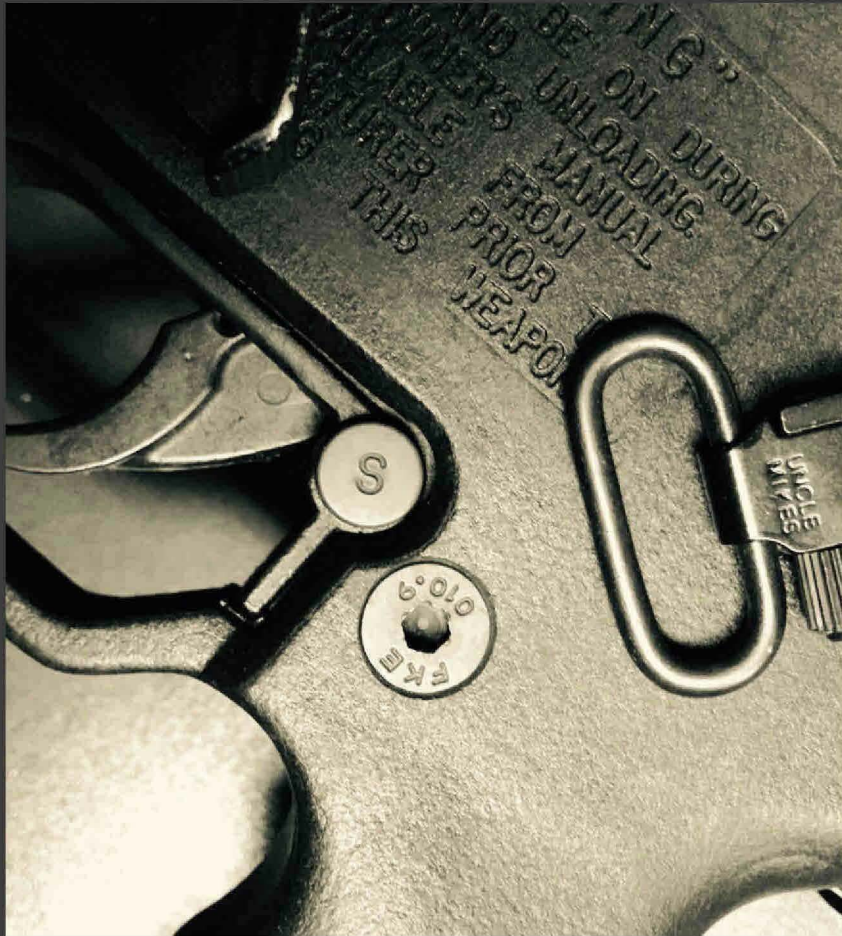
- The Antioch Police Department SWAT Team uses Penn Arms 40mm Launchers, Model – L140-4.
- Single shot, 40mm with rifled bore, open-top break loading, and equipped with an Aim-Point site and trigger lock safety.





# Basic Nomenclature

Similar to AR-15 Style weapon.



# Basic Nomenclature

Similar to AR-15 Style weapon.





# Munitions

- ⦿ **eXact iMpact**
- ⦿ “Blue tip.”
- ⦿ Minimum safe distance = 5 feet
- ⦿ Maximum effective distance = 120 feet.
- ⦿ Plastic body with foam (sponge head).  
Contains no agent
- ⦿ **Direct Impact (OC)**
- ⦿ “Spicy tip.”
- ⦿ Minimum safe distance = 5 feet
- ⦿ Maximum effective distance = 120 feet.
- ⦿ Plastic body with crushable foam head.  
Unit contains 5 grams of agent (OC).



**\*\*OC munitions can be ineffective outside in wind and other elements.\*\***

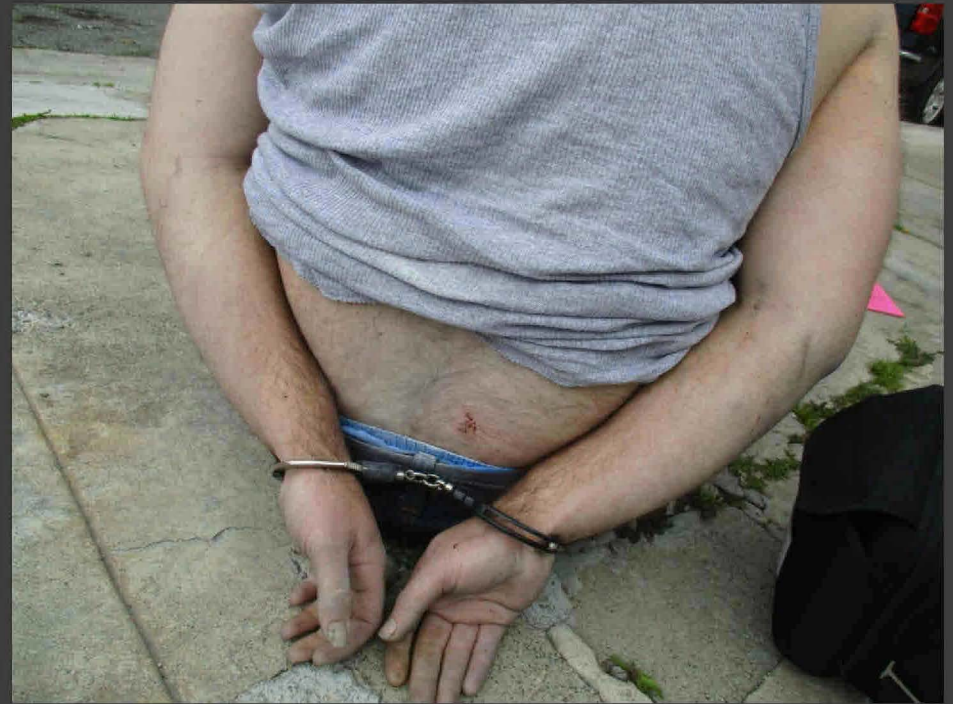
**Most common munition(s) used by APD SWAT.**



# Munitions



**eXact iMpact shot from an approximate distance of 15 feet.**



**Direct Impact (OC) shot from a distance of approximately eight to ten feet.**



eXact iMpack shot from approx. 25 feet





eXact iMpact shot from approx. 20 feet



eXact iMpect shot from approx. 6 feet





eXact iMpact shot from approx. 8 feet



Launcher used as an improvised impact weapon





Launcher used as an improvised impact weapon

# RECOMMEND TARGET AREAS

**Green** – Primary Target Areas

**Yellow** – Secondary Target Areas

**Red** – Potentially Lethal

Circumstances may authorize officers utilizing less lethal munitions to consider target zones in higher risk areas (**RED**) if the use of force is:

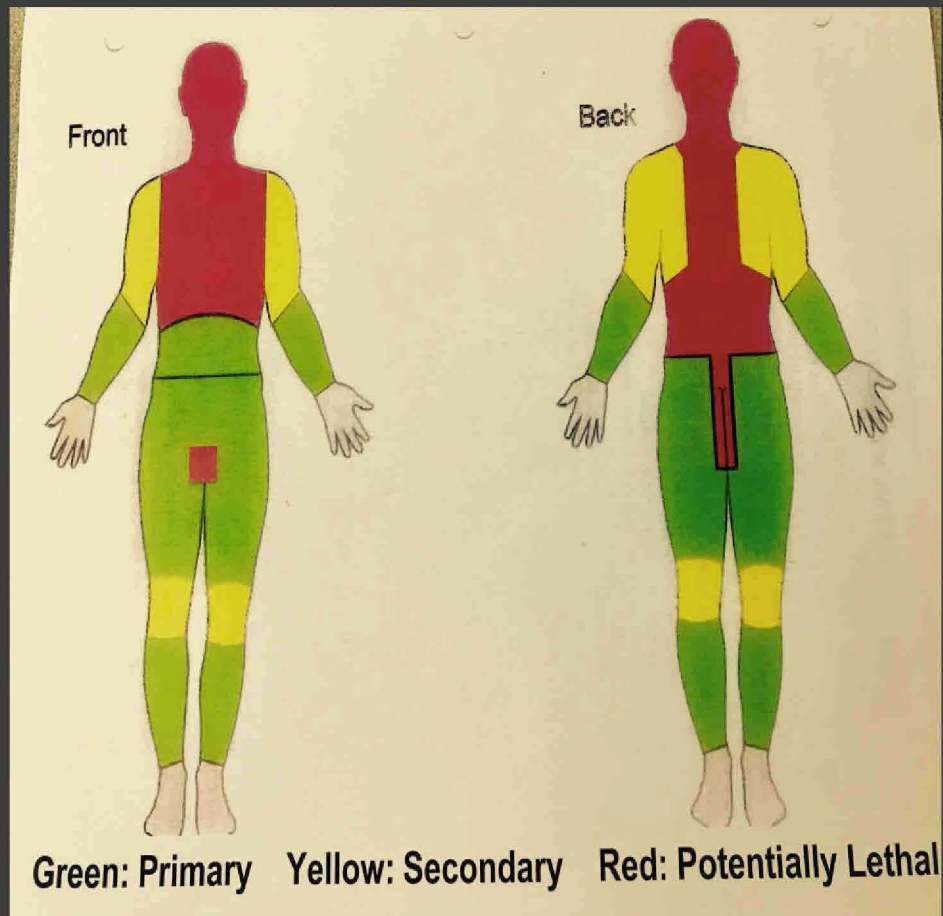
Justified and objectively reasonable based on the circumstances ...AND

Efforts to subdue the subject using a selected target area are ineffective, inappropriate or too dangerous.

**\*\*LESS LETHAL FORCE MAY BE USED AS LETHAL FORCE IF THE SITUATION DICTATES SUCH ACTIONS!\*\***



# RECOMMEND TARGET AREAS



**“RECOMMEDED” TO  
AVOID RED AREAS**



**SUBJECT SUBDUED BY  
DIRECT IMPACT TO THE FACE.**

# Announcements/Deployments

- Prior to deploying a Less Lethal munition(s):
  - Clear commands to subject should be given, if applicable.
  - The situation dictates Less Lethal force and it is not a Lethal Force situation.
  - Announce:
    - “Less lethal, less lethal.”
    - Verbally and broadcasted over main radio.
- After deployment of munition(s):
  - **RELOAD**, this is a single shot weapon.
  - Assess subject, a follow-up shot may be immediate and necessary.
  - Do not lose focus of other potential dangers and threats.
  - **Although this is not a Lethal Force option, like a firearm, “tunnel-vision” can still occur having just been in a use-of-force scenario.**
  - **Call for medical assistance.**
  - Photos

**\*\*Make it clear that a Less Lethal was deployed so to not confuse outer perimeter units of actual gunfire\*\***

**\*\*After deployment, operators should use effective control and cuffing techniques to end the confrontation\*\***

# DOCUMENTATION

- ⦿ Like any use of force, a detailed report should accompany any use of Less Lethal Munitions.
- ⦿ Suggested information should include:
  - ⦿ **1.** All factors leading up to the use of Less Lethal Munitions including behavior, movement, criminal acts, alcohol/HS.
  - ⦿ **2.** Actual Deployment of the Munitions.
  - ⦿ **3.** Compliance with Department policies and procedures.
  - ⦿ **4.** First Aid and medical treatment provided to the suspect.
  - ⦿ **5.** Evidence collected, including photos, video, etc. of suspect.
  - ⦿ **6.** Notifications.

**REMEMBER:**

**“IF IT ISN’T DOCUMENTED,  
IT NEVER HAPPENED.”**

© <https://youtu.be/2wByHpQz8mo>



# Videos



# Videos



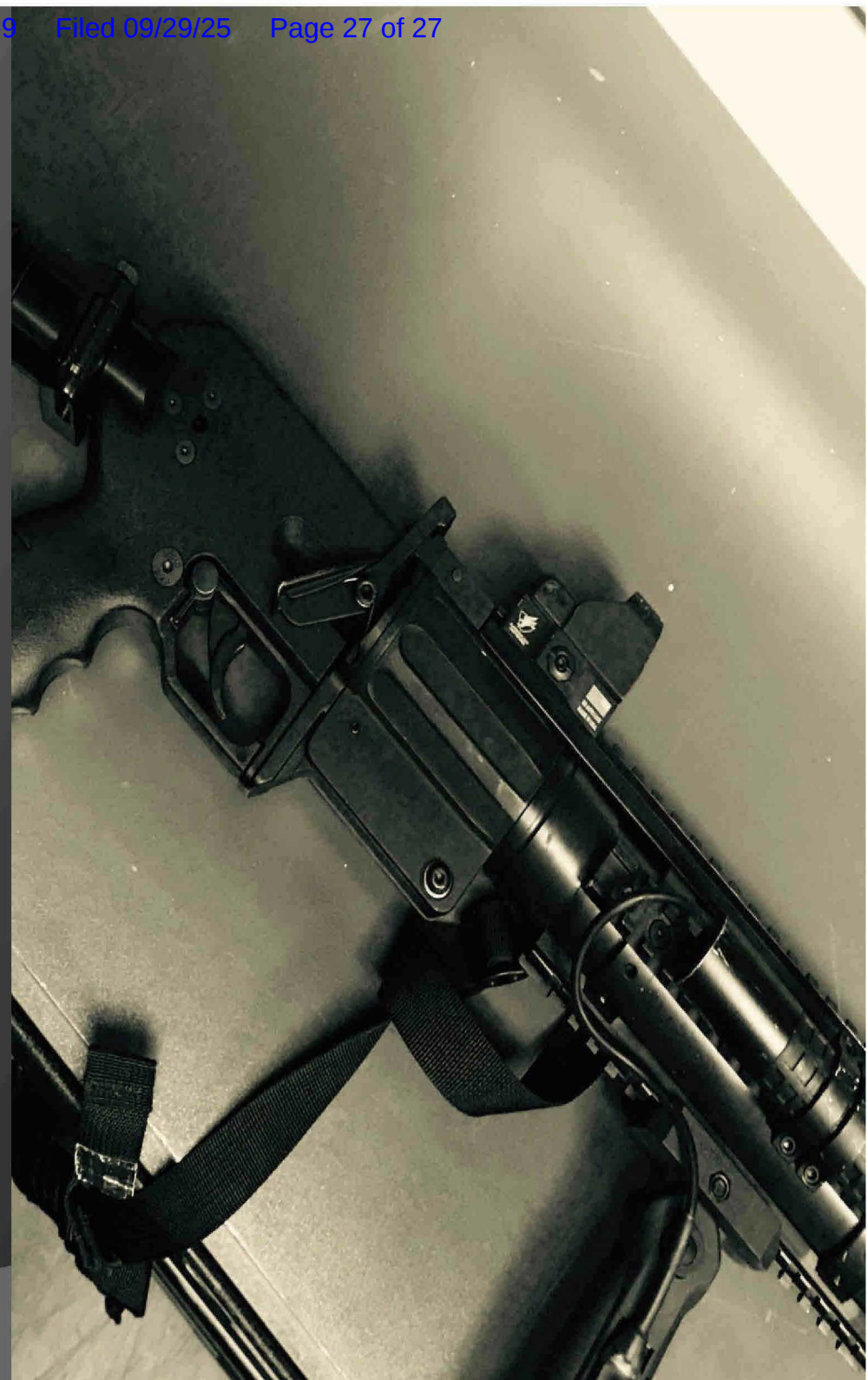
US-ANT-000217

EX 013-025



# QUESTIONS?

Contact:  
Cpl. Colley  
925-250-5807  
[jcolley@ci.antioch.ca.us](mailto:jcolley@ci.antioch.ca.us)



US-ANT-000218

EX 013-026